

Applicant: Patrice Flaherty  
Application No: 10/630,402  
Filing Date: 07/30/2003  
Attorney Docket No: 1066

#### **REMARKS**

Claims 1-32 are pending herein.

Claims 12-23 are withdrawn from consideration.

Claims 1-11 and 24-32 are rejected.

Claims 1, 7, 24 and 32 are currently amended.

#### **Claim Objections**

Claim 8 was objected to because the entered amendments filed 04/09/2007 are ambiguous with respect to the status of claim 8. It was stated that both the remarks and the claim identifier indicated claim 8 is pending whereas line 1 of the claims indicates claim 8 to be canceled. Appropriate correction was required.

It is respectfully submitted that the previous indication that claim 8 was to be canceled in line 1 of the listing of claims in the amendments filed 04/09/2007 was in error and that claim 8 is therefore still pending. Reconsideration and removal of the objection to the claims is therefore respectfully solicited.

#### **Claim rejections under 35 U.S.C. 102**

Claims 1-11 and 24-32 were rejected under 35 U.S.C. 102(b) as being anticipated by Propp (U.S. Pat. No. 5,919,146).

It is respectfully submitted that Propp fails to anticipate claims 1-11 and

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24-32 as set forth herein below.

*Propp fails to disclose invention of claims 1-6 and 32*

It is respectfully submitted that Propp fails to disclose a device comprising “a main tubing segment...an indicator unit and a syringe port disposed in fluid communication with said main tubing segment in branched relationship to each other *at a tubing bifurcation*...a clamp operably engaging said main tubing segment and adapted to selectively block and unblock flow of the fluids *in both directions* through said main tubing segment; wherein said *clamp is disposed upstream of said tubing bifurcation* along a flow path of the fluids through said main tubing segment...”, as set forth in amended claim 1 and defined by claims 2-6 and 32 as dependent therefrom.

In contrast, Propp discloses an anti-reflux valve (74) which is provided in the main tubing segment (40) of the Propp device upstream of the bifurcation of the sampling device (10) and the fluid metering device (48) and is adapted to “prevent reflux of urine towards the bladder” (col. 4, lines 23 and 24 of Propp). The anti-reflux valve (74) facilitates flow of urine toward the sampling device (10) and fluid metering device (48), and therefore, is not adapted to “block and unblock flow of the fluids in both directions through [the] main tubing segment”, as set forth in amended claim 1.

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Therefore, it is respectfully submitted that Propp fails to anticipate amended claim 1, and claims 2-6 and 32 as dependent therefrom, under 35 U.S.C. 102(b). Reconsideration and allowance of claims 1-6 and 32 is respectfully solicited.

*Propp fails to disclose invention of claims 7-11*

It is respectfully submitted that Propp fails to disclose a device comprising "a main tubing segment...an indicator unit and a syringe port disposed in fluid communication with said main tubing segment in branched relationship to each other...*a syringe coupled to said syringe port and adapted to induce vacuum pressure at said syringe port*", as set forth in amended claim 7 and defined by claims 8-11 as dependent therefrom.

In contrast, Propp discloses a urine sampling device (10) which is coupled to a port (30) disposed in branched relationship with respect to a fluid metering device (48). The urine sampling device (10) includes a vessel (22) having a cap member (26) which is connected to the port (30) through a tube (33). Unlike a syringe, the vessel (22) is incapable of inducing vacuum pressure at the port (30). The Propp patent (col. 4, lines 46-48) discloses that the Propp device uses gravity to facilitate drainage of urine into the urine sampling device (10).

Therefore, it is respectfully submitted that Propp fails to anticipate amended claim 7, and claims 8-11 as dependent therefrom, under 35 U.S.C. 102(b).

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Reconsideration and allowance of claims 7-11 is respectfully solicited.

*Propp fails to disclose invention of claims 24-31*

It is respectfully submitted that Propp fails to disclose a device comprising "a main tubing segment...an indicator unit and a syringe port disposed in fluid communication with said main tubing segment in branched relationship to said main tubing segment and each other *at a tubing bifurcation*...a clamp operably engaging said main tubing segment *upstream of said tubing bifurcation along a flow path of...fluids through said main tubing segment* and adapted to crimp and selectively block and unblock flow of the fluids *in both directions* through said main tubing segment...", as set forth in amended claim 24 and defined by claims 25-31 as dependent therefrom.

As was set forth herein above, Propp discloses an anti-reflux valve (74) which is provided in the main tubing segment (40) of the Propp device upstream of the bifurcation of the sampling device (10) and the fluid metering device (48). The anti-reflux valve (74) is adapted to "prevent reflux of urine towards the bladder" (col. 4, lines 23 and 24 of Propp) and facilitates flow of urine toward the sampling device (10) and fluid metering device (48); therefore, the anti-reflux valve (74) is not adapted to "block and unblock flow of the fluids in both directions through [the] main tubing segment", as set forth in amended claim 24.

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It is further respectfully submitted that Propp fails to disclose a device comprising "a main tubing segment...an indicator unit and a syringe port disposed in fluid communication with said main tubing segment in branched relationship to said main tubing segment and each other at a tubing bifurcation...at least one air-permeable membrane provided in said indicator unit...*wherein said indicator unit has a first end proximate to said tubing bifurcation and a second end further from said tubing bifurcation and wherein said at least one air-permeable membrane is located at said second end of said indicator unit*", as set forth in amended claim 24 and defined by claims 25-31 as dependent therefrom.

In contrast, the hydrophobic vent (60) of the Propp device is located at the end of the fluid metering device (48) which is nearer the bifurcation of the port (30) and the fluid metering device (48).

Therefore, it is respectfully submitted that Propp fails to anticipate amended claim 24, and claims 25-31 as dependent therefrom, under 35 U.S.C. 102(b). Reconsideration and allowance of claims 24-31 is therefore respectfully solicited.

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*Conclusion*

Every effort has been made to amend applicant's claims in order to define the invention in the scope to which it is entitled. Accordingly, reconsideration and allowance of claims 1-11 and 24-32 is respectfully solicited.

Respectfully submitted,

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